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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,913	07/15/2003	Anand Huprikar	12163	7163
28484	7590	05/31/2005	EXAMINER	
BASF AKTIENGESELLSCHAFT CARL-BOSCH STRASSE 38, 67056 LUDWIGSHAFEN LUDWIGSHAFEN, 69056 GERMANY			NGUYEN, XUAN LAN T	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/619,913	Applicant(s) HUPRIKAR ET AL.	
	Examiner Lan Nguyen	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19,31-35,37-39 and 48-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19,31-35,37-39 and 48-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, 31-35, 37-39 and 48-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 6 repeats part of claim 1.
- Claim 31, last line, "said jounce bumper" should be -- a maximum width of said jounce bumper--.
- Claim 34 repeats part of claim 31.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

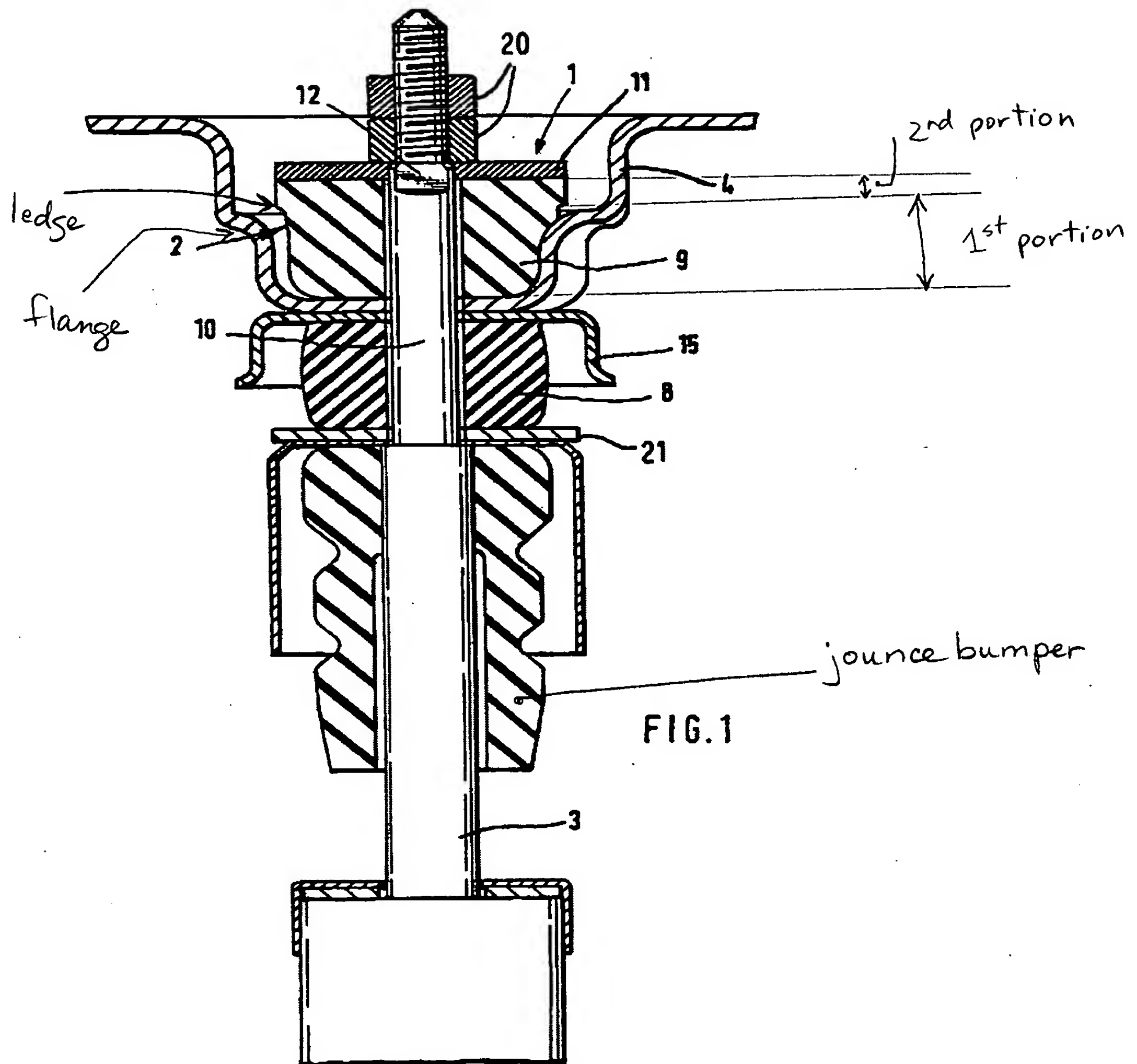
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pradel (US 6,076,794).

Re: claim 1, Pradel shows a mounting assembly for a wheel suspension system of a vehicle having a vehicle body in figure 1, as in the present invention, said mounting

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assembly comprising: a support structure 4, 15 having an aperture and adapted to be mounted to the vehicle body; a piston rod 3 at least partially disposed within said aperture and displaceable relative to said support structure along a line of travel; a plate 11 mounted to said piston rod, and moving relative to said support structure during said displacement of said piston rod; and an insulator 9 disposed between said support structure and said plate with said insulator substantially surrounding said piston rod and abutting said plate for coupling said piston rod to said support structure; said insulator having a first portion, as marked below, defining a first resistance and a first maximum width, as shown, for isolating said displacement of said piston rod and said plate during an application of a first force along said line of travel in a first direction, downward, which at least partially compresses said first portion, and a second portion, as marked below, defining a second resistance and a second maximum width, as shown, with said second resistance being greater than said first resistance for controlling said displacement of said piston rod and said plate after said application of said first force and during an application of a second force along said line of travel in said first direction, wherein said second force is greater than said first force such that said first portion is compressed before the second portion is compressed; and said second width being larger than said first width to define a ledge, as marked below, on said second portion extending beyond said width of said first portion; said plate having a width at least equal to said second maximum width of said second portion, as shown.



Re: claim 2, when the piston rod moves downward, the first portion is compressed before the second portion would be compressed since cup 4 is stationary while the piston rod 3 is moving downwardly relative to cup 4.

Re: claims 3 and 4, figure 1 shows that the first and second portions of the insulator are formed of the same homogenous material.

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Re: claims 6 -11, figure 1 shows the insulator 9 with the ledge, first height, second height, first circumference and second circumference as claimed.

Re: claim 12, figure 1 shows said insulator 9 mounted to piston rod 3.

Re: claim 13, figure 1 shows notch 12 with said plate 11 abutting said notch.

Re: claim 14, figure 1 shows first cup 4 as claimed.

Re: claim 15, figure 1 shows a flange, as marked above, as claimed.

Re: claim 16, figure 1 further shows a jounce bumper as marked above.

Re: claims 18 and 19, figure 1 further shows a second insulator 8 mounted within the second cup 15 of the support structure 4, 15.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pradel in view of Tondato.

Pradel's mounting assembly and isolation apparatus, as rejected above, discloses that insulator 9 is made of rubber. Tondato teaches that a micro-cellular polyurethane and a rubber are well known equivalent materials for use in elastomeric deformable elements to absorb vibration, see column 3, lines 60-62. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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have modified Pradel's assembly to include an insulator comprising of a micro-cellular polyurethane material instead of a rubber material since these two materials are old and well known equivalent materials for use in elastomeric deformable elements to absorb vibration as taught by Tondato; and the use of either of these materials is considered to be a matter of choice.

7. Claims 17, 31, 32, 34, 35, 37-39 and 48-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pradel.

Re: claim 17, Pradel's assembly comprises said jounce bumper being mounted to said plate 11 on a same side of said insulator such that loads experienced by said jounce bumper are translated through said plate 11, said ledge of said second portion, and into said support structure while claim 17 requires that said jounce bumper is mounted to said plate on an opposite side from said insulator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have arranged the plate, the insulator and the jounce bumper as claimed, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Note that although Pradel's arrangement of the insulator and the jounce bumper on the same side of the plate, the manners in which the force being transmitted to the support structure is the same as claimed in claim 17.

Re: claim 31, Pradel shows a mounting assembly for a wheel suspension system of a vehicle having a vehicle body in figure 1, as in the present invention, said mounting assembly comprising: a support structure 4, 15, having an aperture and adapted to be mounted to the vehicle body; a piston rod 3 at least partially disposed within said

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aperture and displaceable relative to said support structure along a line of travel; a plate 11 mounted to said piston rod, and moving relative to said support structure during said displacement of said piston rod; and an insulator 9 disposed about said piston rod between said support structure and said plate with said insulator abutting said plate for coupling said piston rod to said support structure; said insulator having a first portion, as marked above, defining a first resistance and a first maximum width for isolating said displacement of said piston rod and said plate during an application of a first force along said line of travel in a first direction, downward, which at least partially compresses said first portion, and a second portion, as marked above, defining a second resistance and a second maximum width with said second resistance being greater than said first resistance for controlling said displacement of said piston rod and said plate after said application of said first force and during an application of a second force along said line of travel in said first direction, wherein said second force is greater than said first force such that said first portion is compressed before the second portion is compressed and said second width being larger than said first width to define a ledge, as marked above on said second portion extending beyond said width of said first portion, and a jounce bumper, as marked above, disposed about said piston rod and mounted to said plate on a same side from said insulator 9 for translating movement of the wheel suspension system during application of said second force; said plate having a width at least equal to said maximum width of said second portion and a maximum width of said jounce bumper, as shown. Pradel's assembly comprises said jounce bumper being mounted to said plate 11 on a same side of said insulator while claim 31 requires that said jounce

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bumper is mounted to said plate on an opposite side from said insulator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have arranged the plate, the insulator and the jounce bumper as claimed, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Note that although Pradel's arrangement of the insulator and the jounce bumper on the same side of the plate, the manners in which the movement of the wheel suspension system being translated during application of said second force is the same as claimed in claim 31.

Re: claim 32, when the piston rod moves downward, the first portion is compressed before the second portion would be compressed since cup 4 is stationary while the piston rod 3 is moving downwardly relative to cup 4.

Re: claims 34, 35, 49-51 and 53 figure 1 shows the insulator 9 with the ledge, a first height, a second height, a first circumference and a second circumference wherein said insulator is being mounted to piston rod as claimed.

Re: claim 37, figure 1 shows notch 12 with said plate 11 abutting said notch.

Re: claim 38, figure 1 shows first cup 4 as claimed.

Re: claim 39, figure 1 shows a flange, as marked above, as claimed.

Re: claims 48 and 52, figure 1 shows that the first and second portions of the insulator are formed of the same homogenous material.

Re: claims 54 and 55, figure 1 further shows a second insulator 8 mounted within the second cup 15 of the support structure 4, 15.

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8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pradel in view of Tondato.

Pradel's mounting assembly and isolation apparatus, as rejected above, discloses that insulator 9 is made of rubber. Tondato teaches that a micro-cellular polyurethane and a rubber are well known equivalent materials for use in elastomeric deformable elements to absorb vibration, see column 3, lines 60-62. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Pradel's assembly to include an insulator comprising of a micro-cellular polyurethane material instead of a rubber material since these two materials are old and well known equivalent materials for use in elastomeric deformable elements to absorb vibration as taught by Tondato; and the use of either of these materials is considered to be a matter of choice.

Response to Arguments

9. Upon further consideration, the Examiner regrettably withdraws the indication of allowable subject matters. A new ground of rejection is set forth above. The Examiner apologizes for any inconveniences this might have caused.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on M-F, 8 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Primary Examiner
Art Unit 3683


5/22/05